EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

CASA DE MARYLAND, et al., : Civil Action No.

Plaintiffs, : PWG 17-2942

v. :

U.S. DEPARTMENT OF HOMELAND SECURITY, et al., : Greenbelt, Maryland

Defendant. : Friday, July 24, 2020
_____/ 2:30 P.M.

TRANSCRIPT OF VIRTUAL STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE PAUL W. GRIMM
UNITED STATES DISTRICT JUDGE

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COMPUTER-AIDED TRANSCRIPTION OF STENOTYPE NOTES

P-R-O-C-E-E-D-I-N-G-S

THE DEPUTY CLERK: United States District Court for the District of Maryland is now in session. Honorable Paul W. Grimm presiding.

THE COURT: All right. Good afternoon, everyone. This is Judge Grimm and I'm going to try to put this so I can see some folks. Now I see some folks. Probably more people participating in this than I can actually see.

I'm going to ask that those of you who are on the call here by the Zoom to keep your -- ask you to keep your screens on mute so that I don't hear any background noises unless and until such time that you are speaking.

I want to let you know that this is on the record. So, Ms. Marshall, our court reporter is taking this down. We also have Ms. Smith who is our courtroom deputy who will be running things here. Try to speak slowly and distinctly as you would if you were in court.

Ms. Marshall, please let us know if you can't hear. And speak up, don't be shy, so we can make sure we have a record.

This is a public hearing and although there's nobody physically present in the courtroom, there may be others who are listening in on the court's line. It's available for people who want to hear court proceedings.

We are here in the case of *Casa De Maryland, et al.*

versus United States Department of Homeland Security. It's a case that was originally RWT 17-2942. And it was reassigned to me in March of 2019, when an event occurred which we're still mourning today, which is the departure of our beloved colleague, Judge Titus.

And what I'd like to do in this case is, this is a -- it's really much of a status conference to see where things are in light of a series of orders and appellate decisions that have come down.

I'm going to allow everyone to enter their appearance on the record, if they are on behalf of one of the parties or the other, just so the record is complete. I'm going to ask that one person be the designated speaker on behalf of the plaintiffs and another on the defendants. Otherwise, it becomes unmanageable.

If there's a need to have more than one person speak and if it makes sense to do so, that's fine, but we can't have a proceeding where we have as many people speak as who have entered their appearance on the docket. The docket, the first seven or eight pages of the docket are the lawyers' appearances. So, that's just not going to work.

So, with that in mind, let me find out who's going to speak on behalf of plaintiffs?

MR. FREEDMAN: Your Honor, John Freedman from Arnold and Porter on behalf of the plaintiffs. I'll be lead for the

plaintiffs. I'm joined on the Zoom call by my co-counsel, Elizabeth Bower with Wilkie, Farr and Gallagher and Dennis Corkery from the Washington Lawyers Committee for Civil Rights and Urban Affairs.

THE COURT: All right. Thanks so much.

And who will be speaking on behalf of the defendants?

MR. PEZZI: Good afternoon, Your Honor. This is Steven Pezzi from the Department of Justice here on behalf of the defendants. I'm the only one from the government on the Zoom today and I'll be the only one speaking today, although I do have two colleagues who, I believe, have dialed into the public line.

Brad Rosenberg, who is an Assistant Branch Director with the Department of Justice, as well as Rachel Westmoreland with the Department of Justice.

THE COURT: Thank you. I appreciate that.

Ms. Marshall, did you get those names?

COURT REPORTER: The second name, Rachel, what is the last name?

MR. PEZZI: It is Westmoreland and she has entered her appearance on the docket.

THE COURT: All right, thank you.

So, let me just set the stage procedurally here to focus our discussions today. Before I do so, I just think that it's important for me to acknowledge the circumstances in which

we find ourselves these days because of the COVID-19 pandemic. This ordinarily would be a hearing held in court, would be open to the public, people could come. The lawyers would be in the courtroom. We would have an opportunity to see each other and to exercise advocacy skills in the way in which we all learned them back in the day when we were going to a school and learning our chops as lawyers.

That's gone now and all of you, I'm sure, have struggled mightily, as has this court, to have operations proceed under such trying circumstances where almost everything that you would ever do, even routine matters in court has become exceptionally difficult to do.

It's also a time when many people are facing challenges in their personal and their professional lives that they have never faced before. There are people who have children at home that they have to educate as well as be a lawyer. There are folks who have medical conditions that make them vulnerable to this virus. Travel plans, vacation plans, work has been affected. Many of our citizens are out of work or not working as much as they would like to do. These are extraordinary times.

Technology has helped in some ways to make it possible for us to do anything, but certainly not to do everything. And the fact that I am seeing some of you and speaking to you via electronic media on Zoom is a benefit because, of course, it

allows us to do some things that we could not otherwise do. It's much better than a telephone conference, but it's still not something that is what we're used to.

So, I want to say to each of you personally, I hope that you and your families are safe and well, and that you stay that way. And with those general comments in mind, let me frame my thinking here today and then hear from you.

This case was kicked off here in Maryland, although there's litigation that was initiated in many parts of the United States, when ECF-1, the complaint was filed back in October, 2017. It was a claim that was challenging the decision made by the Department of Homeland Security to rescind the Deferred Action for Childhood Arrivals policy that had been adopted by that same agency in 2012. It's referred to as DACA and we all know it by DACA, and I will use that acronym during today's proceeding.

The rescission date was September 5th of 2017. The case, as I mentioned, was assigned to our dear colleague, Judge Titus, and he managed it efficiently like he did all of his cases. He consulted with the parties. There was motions practice. Motion to Dismiss or in the Alternative for Summary Judgment was filed and briefed.

And on March 5th of 2018, in ECF-42, Judge Titus issued his opinion. In that opinion he granted in part and dismissed in part -- and denied in part the Defendant's Motion

to Dismiss or in the Alternative for Summary Judgment.

He granted in part and denied in part the plaintiff's estoppel claim and summary judgment claim based on that with regard to one component of DACA, which was the DACA Information Sharing Policy. And he enjoined the defendants from using or sharing what he referred to as Dreamer provided --

Dreamers are the -- is another phrase used for those people who are enrolled in and participating in DACA.

-- enjoined the defendants from using or sharing Dreamer provided personal information for purposes of enforcement of removal or deportation proceedings. And he granted summary judgment in favor of the defendants with regard to all other claims that have been filed, which included constitutional claims as well as Administrative Procedure Act claims.

At ECF Number 52, the plaintiffs filed Notice of Appeal, not to be -- not to be left behind. So did the defendants, ECF-53. And on May 17th, 2019, the Fourth Circuit Court of Appeal in a published opinion 924 F.3d 684 issued in 2019, the Fourth Circuit issued a judgment and that judgment was one that affirmed in part Judge Titus' rulings, reversed in part and vacated in part.

The appeal was dismissed and the case was remanded to this court for further proceedings consistent with the court's decision, but with the note that the judgment would take effect

upon the issuance of the Fourth Circuit's mandate.

As I mentioned, this was not the only challenge to the rescission of DACA. There was a case in Washington, D.C. and there was a case in California. May have been other cases as well. And so, this case was put on hold while the Supreme Court considered the challenges that were brought as a result of the government's seeking a Petition for Cert that was granted.

And the Supreme Court recently, just last month issued its decision in *Department of Homeland Security, et al. versus Regents of the University of California*, published decision at 140 Supreme Court 1891, decided on June 18th, 2020.

And very shortly thereafter at ECF-93 on this docket, the Fourth Circuit issued its mandate which stated that the judgment of this court entered on May 17, 2019, takes effect today. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

I issued an order, ECF-97, dated July 17th, 2020. It largely, for lack of a more eloquent phrase, parroted the specific findings and rulings of both the Fourth Circuit in its decision and the United States Supreme Court.

Specifically, I noted that the Fourth Circuit had held that the Department of Homeland Security's decision to rescind DACA was arbitrary and capricious under the Administrative Procedure Act and must be set aside.

I noted that the Fourth Circuit had, therefore, reversed Judge Titus' ruling that sustained the rescission policy as valid under the Administrative Procedure Act and vacated DACA's rescission as arbitrary and capricious as was confirmed by the Supreme Court in its June 18, 2020 decision.

In addition, my order noted that the -- as the Fourth Circuit noted, that the rescission of the September 5th, 2017 Rescission Order by the defendants had the effect of restoring DACA to its pre-September 5th, 2017 status. What we used to call in law school "returning the status to the status quo ante" that happened before the action was vacated.

As for the decision that, regarding the information sharing policy of DACA, the -- I noted that the Fourth Circuit reversed Judge Titus' ruling on that. However, I cited to the language in the Fourth Circuit opinion that said, and I quote, Restoring DACA to its pre-September 5th, 2017 status rendered a nullity the Information Sharing Policies announced on September 5th.

Finally, I noted the ruling by the Fourth Circuit that under the Constitutional Avoidance Doctrine that there was no need to reach the Fifth Amendment Due Process and Equal Protection Clause challenges that had been brought by the plaintiffs by virtue of the fact that the relief that they sought could be granted based upon alternatives grounds. And that, therefore, those constitutional claims were dismissed.

And in light of that, I issued an order that implemented the rulings of the Supreme Court of the United States as to the, as to the arbitrary and capricious nature of the rescission of DACA, and I ordered the following:

One, I adjudged and declared that DACA rescission actions taken by the defendants to rescind the DACA policy were arbitrary and capricious in violation of the Administrative Procedure Act, citing to the Fourth Circuit and Supreme Court case;

Two, that the rescission of the DACA policy was vacated and the status of the program was restored to its pre-September 5th, 2017 status;

Three, that the defendants and all those in their control or employ were enjoined from implementing or enforcing the DACA rescission or from taking any other action to rescind DACA not in compliance with applicable law;

And, four, that the estoppel claim and requested injunction as it pertained to the Information Sharing Policy for DACA were denied;

And, five, because this order, my order restored DACA to its pre-September 5th, 2017 status. The Information Sharing Policies announced on September 5th, 2017 were void and that under the Constitutional Avoidance Doctrine, the constitutional claims by the plaintiffs were dismissed.

This was followed at ECF-96 by a letter from counsel

for the plaintiffs. In it they raise concerns that since the issuance of the Fourth Circuit's decision and the Supreme Court's decision that, that the defendants were not complying with the letter and the steps that by necessary implications could derive from the Supreme Court and Fourth Circuit's rulings, because it was the understanding of the plaintiffs that the defendants were no longer -- were still not accepting initial DACA requests. In other words, request from people who sought eligibility under DACA, but had not previously received it.

And it was their understanding that applications for advanced parole, which had been given, approved under DACA to allow those who were DACA recipients and were under the program to leave the United States in order to go visit family or for other purposes abroad, and then return to the United States without being denied entry when they returned. And it was their understanding that applications for advance parole were not being accepted based upon postings on the websites of the defendants.

And, in addition, they pointed out that they wanted the Court to maintain jurisdiction to be able to enforce the orders of the Fourth Circuit and the Supreme Court, and my order, point of law which I don't think there's much dispute about, but also pointed out that cost and fees as prevailing parties had to be addressed by the Court.

The final submission that frames the issues for today's call is at ECF-99, a September 22nd filing by plaintiffs. In addition to repeating their concern about -- that the Department of Homeland Security is not accepting new DACA applications and is not accepting advance parole applications, that it appears as though the Department has not taken actions to make it clear that the Information Sharing Policies are void. And with that in mind, they had asked to have this conference call today to talk about next steps.

Since we're here at the request of the plaintiffs, I just want to make sure I give them initial opportunity to add anything they think needs to be added before I hear from the government, which has thus far not addressed these issues raised by the plaintiffs.

So, I think, Mr. Freedman, this is your opportunity to speak, sir.

MR. FREEDMAN: Thank you, Your Honor.

Good afternoon and thank you for the summary. I think Your Honor has aptly laid out the issues we want to take up with the Court today, which are three aspects of what appears to be the government's non-compliance with the Fourth Circuit mandate and this Court's Order.

It's absolutely clear that the policies we're complaining about were effectuated on September 5th. The letter, Secretary Duke's letter itself called for cessation

of -- denial of, initial applications that called for denial of advance parole. And on the same day, the letter, the Duke Memorandum was published, the defendants overhauled their Information Sharing Policies.

So, if the Court is restoring matters to status quo ex ante, the DACA decision is vacated, the decision to deny all new initial applications is rescinded, the decision to deny all advance parole applications is rescinded and the changes to the Information Sharing Program are rescinded. We're back to where we were.

Now, my clients and many other eligible individuals across the country, my clients have -- this matter was litigated sitting -- knowing that they are eligible for DACA under the program rules that were prevailing prior to the rescission and they've waited for this litigation to resolve itself. They should be allowed to apply. They should be evaluated under the same rules that were in place prior to the rescission, which means that barring something in their -- typically something in their security clearance, many of them ought to be approved and get DACA.

One of our individual clients, A.M., was a 15 year old minor at the time we filed this suit. He's 18 now. He's eligible to apply. He can't apply now because the government has continued to keep DACA on -- has continued to say it's not accepting new applications.

Similarly, many, many DACA recipients would like to apply for advance parole. At the time we filed the complaint, we identified two of our plaintiffs who had to withdraw their plans to visit elderly relatives, grandparents, in one case great grandparent overseas and could not apply because the government suspended advance parole.

These individuals and many other members of our clients and many other DACA recipients have been waiting patiently for years while this litigation resolve itself so they can visit loved ones overseas.

So, when this September 5th decision was rescinded, that rescission also included the decision -- aspects of the Duke Memorandum that automatically denied all advance parole applications. Advance parole should be restored to the status quo ex ante and these individuals should be allowed to apply, and their application should be considered under the same criteria that were in place prior to the rescission.

Again, barring something unusual, these decisions were typically granted. So, we would expect the vast majority of people seeking advance parole should be granted that benefit.

The third thing that we brought to Your Honor's attention was the information sharing. Here, the information is a little bit murkier. We know that the government used to commit that it would not share DACA applicant information with immigration enforcement officials outside of very limited

circumstances.

In the words of the defendant, at the time they announced the DACA program, that information would be protected from disclosure. And we know that when the government announced the rescission on September 5th, they changed that language and said that they would no longer proactively provide that information to immigration enforcement officials.

The government has pulled down that guidance. We don't know what they are doing with the information now. We don't know what the current policy is. The policy ought to be restored back to what it was prior to September 5th, 2017. It ought to be protected from disclosure.

I think that those are the most important issues before the Court today. We would be happy to discuss, if there's any dispute that the Court has jurisdiction, the Court's ongoing jurisdiction to enforce its injunction. We'd be happy to talk about timing on a fee application.

THE COURT: Great, all right. Thank you very much.

Let me hear from the defendants.

MR. PEZZI: Good afternoon, Your Honor. Stephen Pezzi from the Department of Justice on behalf of defendants.

I would like to start with the portion of plaintiff's presentation and of plaintiff's letters that the government does agree with. And I think it's possible that there may be more common ground than either the Court from reading those letters

or that plaintiff's counsel is aware of.

The part that I agree with from plaintiff's presentation is that the website or really websites run by DHS and USCIS right now, frankly, have some outdated and inaccurate information with respect to the current status quo with respect to DACA.

That is unfortunate. That is something that I have raised with the Department of Homeland Security and will continue to raise, but it is not an accurate reflection of the status quo and I am grateful for the opportunity to clarify some of the ways in which the status quo differs from the language that plaintiff's counsel; frankly, the general public sees on the current website.

So, at a high level, I think, the most -- the first thing Your Honor should be aware of is what is currently going on at the Department of Homeland Security is what the Supreme Court contemplated to be going on, which is a new consideration of the future of the DACA policy with, giving particular consideration to the factors set forth in the Supreme Court's opinion.

THE COURT: To include reliance factors?

MR. PEZZI: That's right, Your Honor. I mean, I think there may be some legal debate still to be had about the significance or the weights to be ascribed to any reliance interest, but certainly part of the Supreme Court's holding was

that there was, at least, an inadequate explanation of reliance interest in prior memoranda. And so, there is an ongoing, active policy deliberation at the highest levels of the Department of Homeland Security that has not yet run its course.

My job today would be a little bit easier if I could point to, you know, a final decision document that had been released explaining in great detail exactly what the future of DACA looks like, but those decisions have not yet been made and I am unable to get out in front of the agency with respect to what comes next with respect to the future of DACA. What I can do is, hopefully, clear up some of the misinformation about the current status of DACA and compliance with court orders.

So, first and most importantly at the outset, I think it's important to be clear that immediately after the Supreme Court's opinion on Friday, June 19th, 2020 -- this is before the Supreme Court's judgment had issued, before the Fourth Circuit mandate had issued -- the Department of Homeland Security made a change to what it had been doing with respect to initial DACA requests from first time requestors who had never before had DACA.

As Your Honor knows, those sorts of requests were not required to be processed under the preliminary injunctions over the last two and-a-half years, but upon receipt of the Supreme Court's opinion, a change was made such that those applications would no longer be categorically rejected solely because the

requestor never before had DACA.

Instead, although the application would be received by the Department, it would be neither granted nor rejected. It instead would be held, placed into a bucket pending the policy consideration that was to take place, and that now I can tell you is still ongoing at the Department.

So, as a categorical matter, it is not accurate to say that all requests from first time requestors are being rejected. In fact, they are being held. And the reason they are being held is to accommodate the ongoing policy deliberations that have not yet run their course with respect to the future of DACA and with respect to how the future of DACA may affect applicants.

Another thing I need to --

THE COURT: Let me just make an observation about that, because I don't doubt that that's what was being done, but that's -- from the perspective of someone who, for example, the plaintiff that Mr. Freedman referred to who was 15 at the time the suit was filed, but is now 18 and would like to file for the first time, it is a distinction without a difference to say that his application has not been denied. It has been received, perhaps not even acknowledged and put in the bucket while the agency takes whatever time it believes it needs to take in order to decide this.

And what it also begs the issue of is that if, if

the -- as the Fourth Circuit has held, that their ruling means that we go back to the way things were prior to the rescission, then it seems to me that the manner in which your client is now treating these initial requests is different from what the status was then separate apart from whether or not there may be a basis for saying that, that there was a decision on their part that they wanted to figure out what the new policy was going to be before they started processing those applications.

And in the circumstance where -- and I don't mean this to be -- have too sharp a point on the pencil, but in a circumstance where the agency has not found the time or resources to change their website to even accurately reflect what the status is, it is probably not the greatest degree of reassurance to the plaintiffs that the timeline for the decision on the new policy in light of the Supreme Court's decision and the Fourth Circuit's decision, there's no way for them to know how long that will be. And that not only impacts, I suspect, the initial applications, but also the advance parole.

And I'm sure that a lawyer as skillful and thoughtful as you has tried to get some insight as to how long this process might be. And I have too much regard for the Department of Justice, particularly the Federal Programs Division, to not believe that if you knew that time frame that you would not share it.

So, we're in a tough situation in terms of next steps,

even though I understand that I'm not in position to decide anything today without having further information from the parties, but that is a problem as we move forward and try to see where we are, and I think you can understand what the challenge is.

MR. PEZZI: I understand and appreciate all of that, Your Honor. There's just a few things I think important to get out on the timing question. And you mentioned advanced parole, because I want to be clear about the status with advance parole too, because it is slightly different potentially than with respect to new applications. And I just want this to be crystal clear, particularly in light of, I think, what we all agree is a regrettable lack of clarity on the website, which I said is something I'm working on.

THE COURT: I can help you out with that by giving you a deadline to give to them.

MR. PEZZI: I certainly appreciate that, Your Honor.

With respect to the timing question, Your Honor is right that if there were any specific assurances I was able to offer on that front, I would gladly offer them. I just am not able to offer -- I just can't get ahead out of the agency. Decisions have not been made, let alone finalized.

And so, if your response is to let me speculate about how long this is going to take, just be aware that there are active policy discussions at the highest levels of the

Department of Homeland Security. And it's not the case that now everyone is sitting around after the Supreme Court's opinion thinking, we'll get to this one day.

There are active ongoing discussions. The Supreme Court's opinion came out a little over a month ago. The mandate issued just earlier this week. So these are ongoing, active discussions. I like everyone involved, I'm sure, hope that it's -- they're resolved sooner rather than later, but I just can't commit to anything on that subject.

On the question of advance parole, the answer I gave before describing the status with respect to new applications, I have been under the impression that the same answer applied to advance parole such that requests for advance parole were neither being rejected or granted. Instead, they were being held in a separate pending bucket while these ongoing policy deliberations completed.

Out of candor to the Court, I need to clarify that earlier today I learned that my understanding on that subject may not be accurate. I became aware of the fact that certain applications for advance parole, it's not yet clear to me whether it's some or all of the DACA based applications for advance parole had been rejected, rather than what they should have been, which is held in the same way new cases from first time requestors are currently being held. And so, I just want to make clear that that is the situation over the last few

weeks.

Going forward, however, in just the last few hours it has been straightened out, at least, prospectively such that any requests for DACA-based parole will also be held in the pending bucket as these ongoing policy deliberations take place. They will not be rejected solely because they are DACA-based rejection -- request for advance parole.

With respect to the -- a natural question that Your Honor may have and the plaintiffs may have is given my answer about what is happening with respect to first time applicants, why did one of their clients receive what appears to be a letter rejecting their request for initial DACA, and even including some language similar to language that is on the website saying that the DHS is no longer accepting requests from first time requestors.

It's challenging for me to give a precise answer to what happened with that particular application, because the name was redacted on the version that was filed on the public docket. My understanding is, as has been the case since 2012, it is not at all uncommon for individuals to submit applications whether for a DACA renewal or a first time request, that does not meet all of the threshold procedural requirements. Can be as simple as, you forgot the signature page or the fee was $100 and your check was written for $50.

There are a whole host of reasons why DACA requests,

renewals or first time requests would be rejected outright. And my understanding is that there have been some requests for first-time requestors that were rejected for those sorts of reasons just as they would have been rejected in 2012 for those sorts of reasons.

THE COURT: Could I interrupt with apologies? I apologize for this, but just for my own understanding, are all of these requests, whether for advance parole or initial participation submitted to the same location? I mean, they're online or sitting in the same office, or are they submitted to, I don't know -- I don't know the infrastructure of your client's offices and everything, but I assume they are not all centrally located. Are these all processed by the same location, I guess, is my question?

MR. PEZZI: Regrettably, Your Honor, the answer is, no. They are received in, I think, what USCIS calls locked boxes at several locations across the country. And so that contributes to some of the logistical challenges with making changes to a uniform policy that has been in place for several years.

But in any event, my assumption is and admittedly this is an assumption, because again, I don't know name of the client at issue. If plaintiffs -- if plaintiff's counsel's clients are getting letters saying their initial DACA requests are being rejected outright, period, that is because rightly or wrongly

some USCIS official has made a determination that application itself is deficient or somehow fails to meet the particular characteristics.

THE COURT: Do those -- I'm sorry, sir, again. Again, forgive me, this is informational. I want to make sure you have all the time you need to say what you need to say, but I just don't have the information that you may have.

When those rejections -- let's take that population of denials that are not erroneously saying we're not accepting them now, because you have been good enough to represent on the record that they are accepting them, but they're just not taking action on them. But for that universe or subset of the universe of applications that are -- where there has been a rejection, the basis for the objection could be, simply, failure to comply with what the new policy is.

For example, accept them and put in a pot, as you refer to it, but also could be because, as you a say, wrong amount on the check, failure to put information that the form requires.

When they reject it, do they explain what the deficiency is so that the applicant knows and can try to correct it? Or is it just a blanket denial, which I think we can all acknowledge would -- the applicant is not a mind-reader and doesn't know whether this is a mistake or whether it's a deficiency.

And I'll give an example. Shouldn't give personal examples, but this one is amusing and I'm the one that's made the fool. But we recently submitted a request to make an addition on the deck in our backyard. We had an architect draw up the plans. We sat down and we filled out the form. We said, how hard can this be?

We were rather silly, because a week later we got our five-page application back with more red line on it than the most demanding professor I ever encountered in law school, pointing out the seemingly infinite number of ways in which we left out information that the building inspector needed to be able to do it.

While that was somewhat damaging to my ego, it did tell me exactly what was deficient. And if I could, to quote from Shakespeare, screw my courage to the sticking point, I would be able to then reapply and try to correct those deficiencies.

So, my question is, when they get the denial based upon a deficiency in the quality or quantity of what was asked for, are they told that so that they can simply resubmit it in a compliant way so that whatever appropriate action is being taken on that, it can be done.

MR. PEZZI: It's a great question, Your Honor. I wish I could offer more detail about it, but I do have some understanding of how that is supposed to work and including in

the last few weeks how that is supposed to work.

So, I think there is supposed to be some indication of -- or at least, notification that the application is being rejected because of some sort of threshold deficiency. I off the top of my head don't know exactly how many different versions of those form letters there are. I believe they are stated at a fairly high level of generality. And it is a, I believe, automatically generated form letter. But there is some attempt, as I understand it, to inform the unsuccessful applicant that the application was unsuccessful and what, at least, at a high level the problem was.

But I am also aware, to be clear, and it is possible this is the application that's been filed on the docket attached to plaintiffs' letters, at least some individuals in the last few weeks on that form letter received the incorrect information saying, the reason this request was rejected was because the agency is no longer accepting requests from first-time requestors when that is, in fact, not the reason why the application was rejected.

And so that too -- I mean, it's a corollary of the problem with the website in a way in that it has, unfortunately, contributed to some confusion with respect to requestors and the general public. And I and others are working hard to correct some of that information as quickly as possible to minimize that confusion moving forward, but I can certainly say that it is not

accurate that there is a categorical policy in place not to be rejecting all DACA requests from first time requesters. They are being held, again, pending future potential policy changes.

With respect to the Information Sharing Policy, I don't think Your Honor is interested in all of my factual disagreements with plaintiffs' descriptions of the policy and how it has changed over the years, although I have many and would be happy to offer them, if necessary.

I think the more relevant point is, Judge Titus ruled against the government on the Information Sharing Policy claims. He issued an injunction. That injunction was vacated by the Fourth Circuit. And so, as of now, plaintiffs have been entirely unsuccessful in their Information Sharing Policy claims. And so, I don't understand the suggestion how we could somehow be violating a court order with respect to Information Sharing Policy.

All that said, I think, just to be crystal clear, I think everyone should be aware that the Information Sharing Policy has not changed since it was first announced in June of 2012, along side the DACA policy, including as a result of the Neilsen Memorandum -- Secretary Duke's Memorandum, including as a result of the Neilsen Memorandum. And so, there simply is no September 5th, 2017 Information Sharing Policy to take off the books.

Again, it is possible that the website could be

clearer on this, although on this subject I do not believe there is any inaccurate information on the website. And I believe the actual application forms where that Information Sharing Policy is located have never materially changed in the relevant years.

So, whatever plaintiff's interpretation of the adverb "proactively" that did appear on the website at some point within a Frequently Asked Questions document about the Information Sharing Policy, I don't know how to be clearer other than what I'm saying now and what I've said in many other courts over the last few years in written filings and in open court. The Information Sharing Policy, although it was always subject to change at any time without notice, as the Fourth Circuit noted, it in fact has not changed.

And so, although we don't consider that to be, you know, a binding policy as the policy itself makes clear and as the Fourth Circuit held, nothing has changed with respect to the Information Sharing Policy.

THE COURT: Okay. This is -- before I hear from plaintiffs and there are a couple ways this matter could proceed going forward, and I'd like to get some sense of how we might want to sketch that out.

It strikes me that as for inaccurate information on the website, that has to change and that should be able to change very quickly. And I think it's important to keep in mind the important policy considerations for both plaintiffs and

defendants here.

Obviously, from the plaintiff's point of view, when the website appears to suggest that the policy has not changed and the existing policy is inconsistent with the rulings of the Supreme Court, this creates a feeling and a belief that the agency is disregarding binding decisions by appellate and Supreme Court, which furthers, if you will, some of the underlying claims that were made in the litigation that were not found by either the Supreme Court or the Fourth Circuit, which delve into motivations behind the change.

And even though those were not found in the decisions, it fuels a belief by the plaintiffs that something is underlying this, that the failure to process the claims, the delay in considerations are being done for an ulterior motive. That is unfortunate. That is something that is unfortunate, but it is likely to be perception out there. And if we can address that by making sure the website is accurate as to those things you said are the case, it would help.

And I think, frankly, the agency ought to be the first to want to have that corrected. And it seems to me that we ought to be able to, regardless of next steps here, get some sense as to when that will be corrected. And if the agency can't give that, then I suppose I need to discuss whether or not we need to have proceedings so that after hearing from both sides, I might be in a position to order that it be done by a

certain date, if I agree with the plaintiffs and there's not a countervailing argument by the defendants to suggest that should not be the case. So, that's one thing I think that we should probably try to focus on.

Number two, it is one thing, it seems to me, to say, as the Fourth Circuit did, that the rescission of the DACA policy is set aside as being arbitrary and capricious under the Administrative Procedure Act, restores things to the status quo prior to that rescission. That seems fairly logical and without a basis for being disputed.

But it doesn't mean that that situation that was restored to that position is affirmatively approved and an obligation to comply for the future. It just means that it exist then as pretty clear from Chief Justice Roberts' decision that, that the agency was -- had the authority as it went back to consider what its first decision was to revoke, to exercise it's authority to take into consideration notwithstanding whatever reservations it may have had about legality to consider options to retain deferred action, even though they might choose not to retain benefits that the expansion did, which is what was part of the Fifth Circuit's discussion. Could consider reliance matters.

To paraphrase the Chief Justice, the failure on the part of the senior Homeland Security was -- that rendered their decision arbitrary and capricious was the failure to address

whether there was a legitimate reliance on DACA memorandum and whether there were features of that reliance that -- or features of the DACA policy that might affect how strong that reliance interest was.

The Supreme Court said that those features were for the agency to consider in the first instance and had the flexibility to consider any reliance interest that could have been considered for eligibility for various accommodations, that it was required to assess them.

I think implicit in that is the recognition that the agency has to now reevaluate what its position will be. And an issue that may be one that the parties have different legal views about is when it is recognized that the agency was arbitrary and capricious and what it's initial decision-making was, and has the authority to correct that by engaging in new decision-making that is consistent with the Administrative Procedure Act, that the issue then is how do they deal with aspects of the policy that were attempted to be changed by the rescission, but were not while they exercise that re-look capacity.

Now, I suspect the plaintiffs will take the position, as is suggested in their papers, that you have to go back and do everything the way you did back before you rescinded in September, 2017, which means you have to accept applications. And if you're qualified, you have to process them. And you have

to give them whatever the entitlements or not entitlements, but whatever they would have received if they had been approved in 2017.

I suspect the government might take a different approach on that. And there may be case law out there that talks about -- I can't imagine this is the only case that's been remanded because there has been a failure to comply with the APA and the initial actions arbitrary and capricious didn't involve a re-look. And I can't imagine there's not authority out there for what the agency has to do while it's doing that re-look with regard to what was the status quo beforehand. Maybe I'm wrong about that, but it seems to me there ought to be law out there on that.

And that's not going to be resolved simply by a telephone conference call or a Zoom hearing. That may be something that I have to receive some briefing from the parties on, because I suspect that they're going to have to agree to disagree upon what the language that says that the status quo was returned actually means in terms of the fact that the Supreme Court contemplated certainly in its decision that the agency would have the opportunity to go back and reevaluate what its decision was by taking into consideration those things that they should have considered and addressed, but did not.

And what I don't know about that is whether or not the plaintiffs, in order to be fully prepared to engage in that

discussion, need discovery to know what's going on and where things are and what the process is.

But I do know that that's -- moving forward that that's an issue on which the parties will likely disagree. I can't imagine that the plaintiffs would accept the fact that the acceptance of applications for advance parole and placing them in an inaction bucket until such time as the policy has been changed and/or accepting in the applications for new entitlement to -- or new applications, first time applications for DACA, that treating them the same way is going to be acceptable to them.

And if that's the case, then the positions of the parties have to be reduced to writing and supported factually and legally so that a decision can be made. And I think that it's incumbent upon all of us to do that in way that is efficient and fair and fast, because there is a cost for not having these things clarified.

I think the plaintiffs have had the lion's share of that cost thus far and I think that the defendant's have a -- would be well-served to want to try to approach their current decision-making in a way that is as transparent and open as they can be, and encourages a belief that it's being done fairly as opposed to simply trying to find a way to go back to what was done before without taking the intervening steps that the Supreme Court says has to be done to evaluate, explain and then

taking action that has been explained in the way the APA, the Administrative Procedure Act allows.

One thing we do know is that whatever they do, if it's challenged, that it's going to be hard-pressed for the government to take the standing and to take the position that the INA divest this Court of jurisdiction. So perhaps if there are disagreements, we'll be able to get beyond those threshold challenges and get to the meat of it.

And so, I am, I am looking to get some common ground established. I think it would be helpful, Mr. Pezzi, if the government would respond to these letters in a way so that the docket here is clear as to what you say the current status is.

It's always good to have something that we have in writing. Not because I don't trust you, it's on the record right now, but because, you know, your own information is likely to be subject change as things go along and you find out new information as you have disclosed today. But I'm looking for a way to try and find a common sense approach to this, if we can do it.

And I know that you read Judge Titus' opinion. You know, it is, it is impossible not to reach the conclusion that he did, that it is unfortunate that these type of decisions which in a perfect time you would hope would result in a legislative fix that would balance carefully the interest of everybody and come up with a new law that was enacted by

Congress, and put in the law that could be enforced by the court and followed by the agencies. That hasn't happened.

And although Judge Titus talked about the polarizing environment within the country that makes it so difficult for these things to be done, if the legislature is not able or willing to do the legislating that's necessary to clarify, if anything, has got any more intense, then I would like the proceedings before me to proceed where the filings generate light, but not heat to the maximum possible effect.

So, I guess what I want to do is talk about next steps. I think, Mr. Freeman, it's cart before the horse on attorneys fees, because if there are to be additional matters addressed here, it is only going to come up with an increase in the attorneys fees.

I have quite a few comments to share with you about what to do when attorneys' fees petitions are filed, format, content, how it should be done. No doubt you are familiar with our court's Appendix B to our local rules, which give a lot of guidance on that, but I would have a lot to say about filings on that regard. But I think it's better to get the substantive matters straightened out as much as we can before we turn to that, because those attorneys' fees I have every confidence are going to grow, all right.

So, my question is, what are our next steps. Do the plaintiffs need discovery to try to frame where we are. How are

we going to forward? What are the issues going to be? If the plaintiffs position is, is that they can't just leave them in the bucket. Even accepting as truth, they are accepting them but not processing them. If that's not allowed, then that has to be factually supported and, you know, your legal position has to the framed. Defendant has to have a chance to respond. You reply and then I have to have an opportunity to rule.

So what's our next steps. Let's see if we can come to agreement on what our next steps should be.

MR. FREEDMAN: Your Honor, John Freedman for the plaintiffs. I would like to address, sir, the next steps in two buckets. One bucket will not be attorneys' fees. I can report that for now.

One is transparency and transparency to applicants, transparency to the public. I think Your Honor put your finger right on the heart of the issue. If the government's website is still putting out misinformation about the status of applicants and parole and hasn't clarified what the position is on information sharing, that's not good for the applicants. It's not good for the public for exactly the rule of law reasons Your Honor cited.

So, but in addition to the website, there are two other transparency issues that we think are important to be addressed. One is that applicants are not getting acknowledgments. People when they send their applications in,

we've gotten a rejection letter which we submitted and I'll talk about that in a second. But for the most part, applicants are not getting the standard kind of documentation acknowledging their applications that they were prior to the program.

THE COURT: Mr. Freedman, let me interrupt for clarification only. Again, my apologies to you as well.

You're telling -- I am taking from you that prior to September, 2017, if you did apply, you got some form of acknowledge -- this acknowledges receipt of, it's going to be processed, this kind of thing?

MR. FREEDMAN: That's correct, Your Honor.

THE COURT: Thank you. Continue please.

MR. FREEDMAN: And that puts applicants in doubt. It puts immigration lawyers in doubt. Nobody knows what's going on and I think it reinforces the impression that, as exactly Your Honor suggested, the administration -- the defendants are not complying with the rule of law.

A third related issue on transparency. So, the denial letter that we submitted, this is ECF 96.1, I'm going to quote it, okay. The reason for denial is listed as follows, quote, USCIS is no longer accepting initial requests for consideration of Deferred Action for Childhood Arrivals and accompanying applications for employment authorization from individuals who have never before been granted deferred action under DACA, end quote.

That's the reason that was given to the applicant who is not -- application received on June 29th, 11 days after the Supreme Court decision. The notice date was July 3rd. Somebody somewhere in the USCIS made the decision that notwithstanding the Supreme Court's decision, they were going to tell this DACA applicant that they were no longer accepting applications.

I take Mr. Pezzi at his word, that that's no longer the policy, but they haven't been communicating it to the public. So, I think getting prompt, corrective disclosures out is important and I think transparency about the program is important. How many applications have they received? How many are sitting in the bucket? How many have been denied? Have any not been denied or sitting in the bucket? All that information should be out. We would certainly want it for briefing on this issue. So in terms of discovery, that's fairly limited and discreet.

If I can move to the --

THE COURT: Go ahead.

MR. FREEDMAN: If I can move to the second cluster.

So, I'll describe the bucket as limbo, okay, that they are taking these applications and holding them in limbo. So, to be clear, plaintiff's position is that that is not what the Supreme Court ordered. It is not what this Fourth Circuit mandated. It is not what this Court ordered.

It is essentially saying, the government is saying, we

don't like your decision and while we think about it, we're going to keep doing exactly what we had before that the court said was arbitrary and capricious, and told us to rescind.

A critical component of the program, it was in Secretary Duke's very short memo was, we are not excepting new applications. They are still not accepting new applications. They are holding them in a bucket.

Another critical aspect of her decision was, we're not going to take advance parole applications. That is still the case, notwithstanding the fact that they have lost the decision in the Supreme Court. They lost in the Fourth Circuit and this Court has ordered them to bring things back to the status quo.

So, here is what I'd like in terms of discovery. We can treat this as an APA matter.

THE COURT: As a what? I'm sorry, I didn't hear you.

MR. FREEDMAN: We can treat this as, in the initial instance as Administrative Procedural Act order. I want their administrative record, who made this decision that they were just going to hold things into the -- into a bucket. There is paper that supports that decision. I want to evaluate that decision to see whether it's arbitrary and capricious in its own right, and whether they adequately considered the legal considerations, whether they considered alternatives, how they addressed -- how they are complying with the Supreme Court decision and the Fourth Circuit mandate. All those are step one

in any administrative litigation proceeding.

They should have the record. It's a discreet decision. They should be able to assemble their administrative record quickly, get it to us. And then once we have had a chance to evaluate it, we can litigate whether it's complete and tell us who was involved in this decision. Was it subject to improper political influence? Was it subject to improper non-statutory considerations under the INA? And we can litigate that issue.

But our position is, they are, you know, they are violating -- what we heard today is news. And it's news that they looked at what the Supreme Court said, they looked at the what the Fourth Circuit said, they looked at what Your Honor ordered last week. And they said, you know what? We can just keep working -- we can keep things as they're going while we continue to think about what we want to do. That's not what any of these courts ordered.

THE COURT: So, let me address that first before I hear from you, Mr. Pezzi.

On the first part, what I would like to have you do, Mr. Pezzi, is go back to your client and try to get them to agree as to the first part that by a date certain -- and what I'm thinking of, this is not that hard to do. By a date certain, they will correct the website. I'm thinking that that date should probably be a short window from now.

I understand that "short" in terms of government agencies' actions can be somewhat in the eye of the beholder, but I would like that to be done within no more than 30 days. So that the website is clear about what they are doing with the new applications, what they are doing with advance parole applications, number one.

Number two, I would like you to seek the agreement of your client to set forth some process of acknowledging receipt, rather than just have them go there and not hear anything at all, and that that -- that may require adjustments to software and drafting and all that that may take a bit of time, but again, it seems to me shouldn't take much time.

And I would like them to address the accuracy of any denial letters that they might send out such that if they are denying them that they try to give some information as to why they are being denied. And that under no circumstances should they deny them for a reason that was rejected by the Court, which appears to be the case that Mr. Freedman was referring to.

I can give you an example if -- I doubt that your office has ever seen it because of how skillful they are in their matters in our court, but we have a form that our clerks will give that if we reject something because it's not signed or for some other reason, it's just a little form that has a little box that you check. It goes back out to the person. They get it and they say, okay, I filed this, but I didn't sign it, so I

have to correct that.

Something like that ought to be able to be done and it would give some more information and go a long way in putting some deposits into the goodwill bank. And I think that that would be very important as we move forward here to help make sure the air is clear as it can be before we deal with some of the legal issues.

So, you can't commit to that, but I'd like you to be able to go back your client and I'd like to have some sense of their responding to this. I'd like to know that -- I'd like to know that within a week, just whether they would undertake to do that. The details of that can be, can be -- I'm not saying that they have it done in a week, but I want to get some, sort of, agreement if they will do it.

I think it would go a long way in two directions. Number one -- actually three. Transparency, number one. Number two, it would help give some comfort to counsel for the plaintiffs and their clients. And number three, it would help the Court understand on some of the larger issues about what the agency is in the process of doing in the context of a clear mind that it's doing the best it can to deal with the legal obligations it has not only under the law, but also as the rulings have been made.

So, if you could undertake that to communicate those thoughts to your client and try and get some decision, again, I

know although in my mind it's a distant past. Even an agency as all powerful, omnipresent in presence and omniscience as the Department of Justice is that when a lawyer for DOJ talks to a client, they don't necessarily always get immediate response and they don't necessarily always get immediate -- a response from the ultimate decision-maker.

I would very much prefer that, that the agency understand that at the highest level of decision-making, those people who are going to make those tough decisions, that they are entrusted, also be the ones who are making decisions about, hey, can we work through some of these issues to clarify this.

I don't want this and I don't mean to demean anybody in the bureaucracy. I don't want this to be done by some, you know, associate assistant, you know, so far down in the, in the pecking order that they have no real discretionary authority. It would be the decision-maker who are doing that. It would go a long way towards helping to improve the atmospherics here and I think that would be positive.

I can ask that you do nothing more than just simply convey that and report back to me by next Friday as to where we are. Can you do that for me, sir?

MR. PEZZI: I can do that, Your Honor. The message is received and the message will be passed along.

THE COURT: Okay. Now, on the other thing, it becomes a little bit -- becomes more complicated.

Mr. Freedman, I'm not going to let this case become a series of, essentially, de facto new APA lawsuits. I'm just not going to let it happen. It cannot be the case that every single action that is taken by an agency as they pursue the broader, the broader goal of reviewing under the APA has to have its own administrative record, its own justification and that there is a, okay, this week you decided to do this. Well, by golly, we want to know what the record is of that. We want to challenge it.

It's just not going to happen. It's not going to work. There's not enough time. I don't have the time to do it. No one has the time to do that. It would bog down in preliminary challenges that you're entitled to under the APA. It would get us into collateral disputes and would take us away from what we need to do.

On the other hand, I don't disagree with you that just being told, trust us, we're considering all of these things and we're going to issue our opinion. We don't know when it is. We don't know when it's going to be done. We don't know where we're going to go.

There's a point at which non-decision is decision, and I suspect that there is case law on that. So, I need to have some focus on where we're going to go.

The context of what's before me would be limited to something that would be an enforcement action on the Order that

was issued. I'm not going to open up a new door. You want to file a new lawsuit that challenges this under the APA, go ahead and file a new lawsuit, but we're not going to do that under the guise of a case which has been, that should be at its end and we're only talking about implementation of what was done as opposed to looking forward to challenging that which has not yet been decided. I'm not going to let that happen.

The question is whether or not what's being done now is in violation of what the Supreme Court, the Fourth Circuit and my ruling, which simply parroted what they said and that's a much narrower context. And I'm just not going to make this thing become, sort of, an ongoing omnibus challenge of the day to each individual, discreet, intermediate step taken by the agency, unless you've got some absolute compelling authority that says that's what I've got to do.

MR. FREEDMAN: Your Honor, I don't and I take what you're saying is -- I hear what you're -- your concern. We can certainly move for a Show Cause why the government shouldn't be held in contempt of the Court's order. We're prepared to proceed with that.

I think just to be able to do that, we can certainly tee up the motion. We would like targeted discovery in furtherance of that. We would like the policy docket that says that they are putting materials in limbo, so we actually understand what their reasoning is. We don't need the record

behind that. That's fine. It's a -- it should be a -- it may be an email, may be a one-page directive.

THE COURT: Mr. Freedman, excuse me again. Please forgive me, sir. I do apologize. I'm of an age where if I don't ask this now, by the time you finish, I will have forgotten it, but I apologize for that.

May I make a suggestion? Mr. Pezzi, would you, Mr. Freedman and his colleagues, would you be able to, again, within the next week have a conversation about whether you can agree to what information might be able to be provided to them, so that we don't get into some issue about --

I don't want to have 30(b)6 depositions. I don't want to have formal FOIA requests. I don't want all that kind of stuff to happen. It's just going to take us away from what we have to decide.

I think procedurally if they believe that it's been a violation of the orders, that they should move for a Show Cause order, which you will then have the opportunity to respond to. There is established law that allows us to analyze that, but I would like very much to see if there can be agreement on what information they believe they would like to have to frame that, because they've got to frame it in a way that is intelligible. And if we can agree on that information to be exchanged in a way that is -- will allow the plaintiff to do what they want to do and allow us to have a schedule for briefing and expedited.

And I'm going to give you page limits right off the bat. I'm telling you right now, we don't have time to have these things turn into, you know, with all respect to the appellate courts, appellate briefs. We have to get this thing into position as clearly and quickly and succinctly as we can.

But then if there are areas of information that they request and that you dispute, that can then be a narrowed issue that can be put in a format for me to make a decision. And then we can move forward, because I want -- to the extent that there is going to be a Motion for Show Cause why they should not be held in contempt, I'd like to get it filed, I'd like to get it briefed and I'd like to be able to try to resolve it.

Is that a conversation that you all are willing to have so that we can, perhaps, get some level of agreement and narrow what disagreement might be so that it can be filed and it can be responded to and applied to and move forward.

MR. FREEDMAN: For the plaintiffs, yes, Your Honor, we'd like to do it on a tight time frame.

THE COURT: Well, I'm asking you to do it and get back to me by Friday.

MR. FREEDMAN: That's great.

THE COURT: I'm sure you have nothing else you want to do between now and next Friday.

I know this is putting pressure on you, but I've got great lawyers in this case. You don't get it much better than

the lawyers who are involved in this case, and good lawyers are able to do good things. And then I know what we're disagreeing about.

And then I am going to be talking to you very soon about a briefing schedule. I'm going to be talking to you about page limits. I'm going to be talking to you about highlighting exhibits to help me with it. You know, you don't need to do string cites. I'm going to want to get this thing briefed up as tightly as we can, as quickly as we can so that it's fair on behalf of the plaintiffs and also fair on behalf of defendant too.

So, can you all -- I would be looking for some sort of a response by close of business next Friday that would be giving me information, Mr. Pezzi, about the transparency issues since I mentioned about the website and those other things, about whether the agency can agree upon that and the timetable for doing that hopefully within 30 days or less.

And then the exchange of information and your thoughts about, perhaps, a briefing schedule that is realistic, but demanding. We don't do anything as lawyers and judges without some sort of a deadline. And I don't want it to be too punitive, but I also want it to be fast because these things have a way of taking a lot of time.

If you could do that, then that would help me a tremendous amount. I'd know where we are in the information.

I can get you on the phone. We can talk about the scheduling of any kind of a Motion for Show Cause, the response and the mechanics and the other things in the briefing, so that you can help me do as effectively and quickly as I can my job.

Is that something we can do?

MR. PEZZI: That is absolutely acceptable to the government, Your Honor.

Just to clarify, it sounds like what you're envisioning is effectively a joint status report from the parties a week from today to address the matters that we talked about today?

THE COURT: Yeah, something you will have exclusive knowledge of because, obviously, you're the master of your communications with your client. But you know, it would go a long way to make me have, sort of, a warm and fuzzy feeling if I knew that we have -- that someone that was very, very, very impressive sounding credential was working to try to -- was aware of these things; was working with you so that you had access to a person at that level; was in a position to be able to offer, here's what we can do with the website by such and such a time and, you know, here's what we found out about that. And then the joint, you know, the joint part, which is your agreements on what can be done.

You know, Mr. Freedman, I know that you will be surgical and precision-like and focused on what you ask for.

And I think it would be in the agency's best interest to give as much of that as they can voluntarily, so we don't have a collateral dispute about what they're entitled to under the APA or something else. I think that's not in anyone's interest going forward, okay.

All right. I think that's probably what we can accomplish today. Is there something I'm missing? Is there something else that we should talk about? I mean, it's not like you don't have anything to do between now and next Friday.

Anything else we should talk about, Mr. Freedman, from your perspective, sir?

MR. FREEDMAN: Not for the plaintiffs, Your Honor.

THE COURT: Mr. Pezzi, anything more from you, sir?

MR. PEZZI: No, Your Honor.

THE COURT: Okay. I'll do my best to work with you as expeditiously as I can. Counsel, thank you very much for your hard work. Please stay safe and I look forward to hearing from you next Friday. So, take care, okay.

And thank you for our court staff and their assistance. Ms. Smith, Ms. Marshall, as always, thank you so much for your assistance, okay.

All right. Take care, bye-bye.

THE DEPUTY CLERK: This Honorable Court now stands adjourned.

(The Court adjourned at 3:50 p.m.)

* * *

CERTIFICATE OF COURT REPORTER

I, Linda C. Marshall, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/
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Linda C. Marshall, RPR
Official Court Reporter

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